


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

APR 08 2016

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

WOODLAWN CHRISTIAN CHURCH OF
SAN ANTONIO, INC.,
Plaintiff,

v.

PHILADELPHIA INDEMNITY
INSURANCE COMPANY,
Defendant.

§
§
§
§
§
§
§
§
§
§

Cause No. SA-16-CV-00254-OLG

ORDER GRANTING DEFENDANT'S MOTION TO TRANSFER

On this day the Court considered Defendant Philadelphia Indemnity Insurance Company's Motion to Transfer (docket no. 6) and Plaintiff's response in opposition (docket no. 11). In its motion, Defendant asserts Plaintiff commenced a lawsuit on February 3, 2014 involving the same parties, facts, and claims (*see* 5:14-CV-334-XR). The case remained in Judge Rodriguez's court for almost two years, where he dismissed Plaintiff's claims of negligence, gross negligence, and claims under the Insurance Code and DTPA against Defendant. Plaintiff orally requested the Court dismiss the case without prejudice on December 9, 2015 (5:14-CV-334-XR, docket no. 37 & 38). Before the dismissal, "the only remaining claims in [the] case [were] Plaintiff's claims for breach of contract and breach of the common law duty of good faith and fair dealing" (14-CV-334-XR, text order dated September 19, 2015).

On February 2, 2016, Plaintiff re-filed the lawsuit against Defendant in state court, and Defendant removed the case to this Court on March 11, 2016 (5:16-CV-254-OLG, docket no. 1). The Court has reviewed the record in this case. As described in Defendant's motion to transfer, "the claims, causes of action, underlying facts and parties in [this] 2016 lawsuit are [] the same as what remained before Judge Rodriguez in the 2014 case before Plaintiff voluntarily non-suited

that case four months ago” (5:16-CV-254-OLG, docket no. 6, p. 4). Accordingly, based on the procedural history, the fact that the cases have the same parties, facts and issues, and in the interest of judicial economy, the Court finds this case should be transferred to Judge Rodriguez. Accordingly, the Court hereby TRANSFERS Cause No. SA-16-CV-00254 to Judge Xavier Rodriguez.

It is so ORDERED.

SIGNED this 8 day of April, 2016.

A handwritten signature in black ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

Chief United States District Judge Orlando L. Garcia